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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,696	12/28/2001	Laurent Chouraqui	1386-01	4983

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IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP
1650 MARKET ST
SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER	
SHEPARD, JUSTIN E	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,696	CHOURAQUI ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-13* is/are pending in the application.

4a) Of the above claim(s) *9 and 10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/28/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on 5/26/06 is acknowledged. The traversal is on the ground(s) that the different groups all contain constructing an "image grouped together." This is not found persuasive because as Groups II and III were restricted as they contained the limitations of "interactive advertisements" and a "digital decoder," neither of which are located in Group I.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chernock.

Referring to claim 1, Chernock discloses a process for transmission of a digital televised broadcast comprising interactive sequences which can be activated at least in part by a television viewer comprising:

transmitting elemental components materialized in the form of codes calling up native functions (column 3, lines 46-48; column 4, lines 10-11), comprising components of "INITIALIZATIONS" defining positioning in a data structure of other components (column 4, lines 17-18), components of "DRAWS" corresponding to graphic representations materialized in the structure in the form of codes calling up native functions of a host language of a digital terminal (column 4, line 22), components of "PALETTES" corresponding to color palettes (column 5, lines 49-53) and components of "SCREENS" corresponding to screen descriptions (column 6, lines 37-40); and

constructing an animated image by superposition of an animated image background corresponding to a principal broadcast and an image grouping together at least a part of elemental components by an execution program loaded in the digital terminal (column 4, lines 19-21; column 3, lines 54-56; figures 1 and 2).

Referring to claim 2, Chernock discloses a process according to Claim 1, wherein "SCREENS" comprises a listing of "DRAWS" that compose the screen, and a series of stimuli and actions (column 4, lines 10-22).

Referring to claim 4, Chernock discloses a process according to Claim 1, wherein the graphic representations are selected from the group consisting of text (column 6, lines 47-49), geometric shapes, lines, points, color changes, fonts and line thickness.

Referring to claim 11, Chernock discloses a process according to Claim 2, wherein at least one or more different stimuli selected from the group consisting of: pressure on any key of a remote control or front panel, events linked to a clock (column 4, lines 15-16), events linked to the end of a connection of the modem, beginning of a data capture and end of a data capture; and top of synchronization are assigned to the "SCREENS."

Referring to claim 12, Chernock discloses a process according to Claim 11, wherein the stimuli can trigger at least one action selected from the group consisting of: visualization of any autonomous interactive application; visualization of any channel; connection of the modem; changing of the screen (column 6, lines 37-40 and 47-49); and quitting the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Kamada.

Referring to claim 3, Chernock does not disclose a process according to Claim 1, wherein the elemental components belong to predefined classes of graphic elements

enabling definition of an image and said elemental components are stored in memory according to their membership class.

Kamada discloses a process according to Claim 1, wherein the elemental components belong to predefined classes of graphic elements enabling definition of an image and said elemental components are stored in memory according to their membership class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the graphic element classes taught by Kamada in the process disclosed by Chernock. The motivation would have been to enable the system to use less information to encode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 5, Chernock does not disclose a process according to Claim 3, wherein the elemental components are stored in memory sequentially in their class in order of their use in construction of the animated images.

Kamada discloses a process according to Claim 3, wherein the elemental components are stored in memory sequentially in their class in order of their use in construction of the animated images (column 32, lines 23-25; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the animation storage method taught by Kamada in the process disclosed by Chernock. The motivation would have been to allow for more complex animations to be able to be created.

Referring to claim 6, Chernock does not disclose a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class.

Kamada discloses a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the graphic element classes taught by Kamada in the process disclosed by Chernock. The motivation would have been to enable the system to use less information to encode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 7, Chernock does not disclose a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class.

Kamada discloses a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the element class processing taught by Kamada in the process disclosed by Chernock. The motivation would have been to enable the system to use less time to

decode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Kamada as applied to claim 3 above, and further in view of Fuller.

Referring to claim 8, Chernock and Fuller do not disclose a process according to Claim 3, wherein the elemental components are displayed by a specific interface in a digital decoder.

Fuller discloses a process according to Claim 3, wherein the elemental components are displayed by a specific interface in a digital decoder (column 7, lines 10-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a digital decoder, as taught by Fuller, to display the animation disclosed by Chernock and Kamada. The motivation would have been that it is well known in the art to use digital decoders in set top boxes.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Fuller.

Referring to claim 13, Chernock discloses a process for transmission of a digital televised broadcast comprising interactive sequences which can be activated at least in part by a television viewer with a device comprising means for displaying original animated images, means for displaying a created sequence, and an screen creation

interface in which elemental advertisement components are graphically materialized to enable installation of graphic elements to be displayed (column 2, lines 61-65; column 4, lines 10-22), comprising:

transmitting elemental components materialized in the form of codes calling up native functions (column 3, lines 46-48), comprising components of "INITIALIZATIONS" defining positioning in a data structure of other components (column 4, lines 17-18), components of "DRAWS" corresponding to graphic representations materialized in the structure in the form of codes calling up native functions of a host language of a digital terminal (column 5, lines 49-51), components of "PALETTES" corresponding to color palettes (column 5, lines 51-53) and components of "SCREENS" corresponding to screen descriptions (column 6, lines 37-40); and

constructing an animated image by superposition of an animated image background corresponding to a principal broadcast and an image grouping together at least a part of elemental components (figures 1 and 2) by an execution program loaded in the digital terminal (column 5, lines 44-46).

Chernock does not disclose a process where the displayed animation is an advertisement.

Fuller discloses a process where the displayed animation is an advertisement (column 3, lines 12-17).

At the time of the invention it would have been obvious for one of ordinary skill in the art to make the animation an advertisement as taught by Fuller in the process

disclosed by Chernock. The motivation would have been to provide advertisements that have been targeted towards specific users or groups of users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600